

territorial exclusivity that WITN claims would be damaging if available to the Raleigh-Durham market stations. Moreover, while a thirty-five mile zone around Goldsboro would not appear to encompass any of the communities in the Greenville market to which commercial television stations are licensed, the thirty-five mile zone extending from Greenville currently does cover Rocky Mount, North Carolina, to which independent station WRMY is licensed. Id. Thus, it is actually a Raleigh-Durham ADI station that faces the greatest theoretical disadvantage under WITN's novel interpretation of the Commission's Rules.

(d) Public Benefit

Each commenter devotes an inordinate amount of space to an uninformed analysis of WYED's program offerings in comparison to those of other stations in the market, as if this were the only possible source of public benefit from WYED.^{17/} However, specific programming, which changes significantly from year to year, is a factor in the Commission's test under the market hyphenation process only in the larger context of the public benefit analysis. Group H has already shown that substantial

^{17/} CVI maintains for example, that Group H's Petition is unwarranted because WYED offers "no coverage of news or other programming of interest to the Carrboro or Hillsborough communities." CVI Comments at 8. While it is true that no current WYED programming originates from these communities, this is irrelevant to the showing required of Group H, which does not seek to add either Hillsborough or Carrboro to the Raleigh-Durham market. Moreover, it is hard to believe that CVI's subscribers in these communities are so parochial that they are wholly disinterested in programming focussing on Raleigh, Durham or Goldsboro.

public benefits will accrue to the public from the ability of WYED to operate on an equal footing with other Raleigh-Durham market stations, and thereby continue to offer an affordable advertising outlet to area advertisers.

Nevertheless, contrary to commenters' misconceptions, WYED airs numerous programs of concern to both local residents and residents of the greater Raleigh-Durham community. First, each weekday, Station WYED conducts a live morning talk show, airing at 9:30 am, which invites listeners to call in to air their views of the issues discussed. The show receives telephone calls from all areas of the market, but approximately 75% are from the Raleigh-Durham area. See Declaration of Dea Martin, Attachment 5.

Second, WYED produces the "Jimmy Swinson Show," which airs Saturdays from 1-2 p.m. Mr. Swinson is a lifelong Goldsboro resident and local celebrity whose show features music videos and focuses on area high school news and public service events in all of the communities in the WYED viewing area, including Raleigh and Durham. Mr. Swinson also hosts WYED-sponsored "no-alcohol student nights" at locations in Raleigh and other communities in the market, and is a frequent lecturer before student groups and other organizations concerning community problems. In addition, on September 18, 1993, WYED will air a Sickle-Cell Anemia Telethon, organized by Swinson, which will originate from Goldsboro.

Third, WYED has just begun producing "The Twiggy Sanders Show," which features entertainment by and interviews with local celebrities. Mr. Sanders, an ex-Harlem Globetrotter, also makes local appearances throughout the market.

Fourth, WYED provides Raleigh-Durham-Goldsboro area viewers with sports coverage not available on any other television station. WYED airs a monthly program reporting on the Carolina Mudcats, the local AA baseball team which plays in Zebulon, just east of Raleigh. On the major league level, the station has the local rights to Baltimore Orioles baseball.

Fifth, WYED provides area viewers with three locally-produced religious programs, and airs public service announcements on behalf of groups throughout the Raleigh-Durham market. See Attachment 6. CVI's "research" concerning WYED's programming (see CVI Comments at 5), which apparently consisted of selectively perusing a few pages of the Eastern North Carolina Edition of TV Guide, failed to disclose any of these offerings.

Finally, Group H conducts an ongoing ascertainment survey of 100 community leaders throughout each year. Of the 45 community leaders surveyed so far this year, 40 of the respondents (almost 90 percent) are from the Raleigh-Durham area.

The hyphenated market rule is intended not only to equalize competition among stations in the same market, but also "to assure that stations have access to cable subscribers in the market and that cable subscribers have access to all stations

[and local programming] in the market." Cable Television Report and Order, 36 F.C.C. 2d at 176 (1972). In light of the fact that WYED serves the entire market with a significant level of locally produced programming, and is striving to produce additional local programs, the wider availability of this programming throughout the Raleigh-Durham-Goldsboro market will result in public benefits consistent with the purpose of the rule.

IV. CVI'S ASSERTIONS CONCERNING THE INTERPLAY OF THE COMMISSION'S RULES AND THE COMPULSORY COPYRIGHT LICENSE ARE UNFOUNDED; THE 1992 CABLE ACT REQUIRES THE COMMISSION TO IMPLEMENT REVISIONS TO UPDATE SECTION 76.51.

CVI has also argued that there is reason to avoid market redesignation because of potential conflict with the Copyright Office and the possibility of a flood of petitions seeking to add communities to the top 100 markets. These claims are without merit.

Based upon the overriding purpose of FCC Rule 76.51, the equalization of competition among stations that seek support from the same audience and advertisers, Group H pointed out that, in addition to the current unfairness with respect to the territorial exclusivity, WYED was also handicapped because it is currently treated differently than the other stations in the market for purposes of the compulsory copyright license. Specifically, stations within the market designation are treated as local for copyright purposes throughout the market, while Group H must resort to conducting expensive significantly viewed

surveys in order to achieve the same status. See Petition at 5-6. Capitol and WITN apparently see no unfairness in requiring a struggling independent station to undertake expensive showings to gain benefits accorded automatically to its market competitors. See Capitol Comments at 5, WITN Comments at 3. Yet there is no question that this disparity is a significant barrier to WYED achieving cable carriage comparable to the other stations in its market.

While CVI attacks Group H's market redesignation proposal on the very grounds that it might result in more stations being considered "local" for purposes of the compulsory copyright license, Congress certainly considered this in mandating reconsideration of the current market designations. See Cable Consumer Protection and Competition Act of 1992, Pub. L. No. 102-385 § 6114(f) (to be codified at 47 U.S.C. § 534(f)). Nevertheless, Group H fully recognizes that the possibility of changed treatment of WYED for copyright purposes is not by itself a justification for a change in the Commission's Rules. The ultimate decision concerning the applicability of FCC Rule 76.51 for the Copyright Office's purposes will be made by the Copyright Office, which has already initiated an inquiry to consider this issue. See Notice of Inquiry - Updates to the Major Television Market List, 58 FR 34,594, 34,595 (Copyright Office, June 28, 1993) ("Notice of Inquiry"). This process is independent of the Commission's decision-making concerning its rules, but is

nevertheless dependent on the conclusions reached by the Commission in proceedings such as this. In short, in order for the Copyright Office to decide whether it will follow the Commission's lead concerning changes to the top 100 markets, the Commission must first adopt such changes for the Copyright Office to evaluate.

Essentially, CVI asks that the Commission shrink from making any changes under its rules because another agency might disagree with the decision reached for purposes of its own regulations, which are used for different purposes. CVI's argument in favor of this odd approach is premised on a misunderstanding of the compulsory license regime as it impacts upon the recently adopted must-carry provisions of the 1992 Cable Act. Thus, CVI reaches the erroneous conclusion that Commission action in advance of the Copyright Office's determination "might produce the anomalous result of WYED being deemed a local signal, and thus relieved of compulsory copyright liability under the Commission's rules, but not according to the Copyright Office." CVI Comments at 10. This fear is unfounded.

Commission actions standing alone do not change liability under the compulsory copyright license. Thus, based on the Copyright Office's pending inquiry, a station will not be treated as "local" for purposes of the compulsory copyright license without a Copyright Office determination that it will adopt the Commission's revised market listing. There is simply

no possibility that CVI would be forced to carry WYED without copyright indemnification, while still being liable to the Copyright Office for increased fees. Subject to the signal quality standards set forth under the 1992 Cable Act, CVI is now required to carry WYED because it is in the same ADI, provided, however, that the station agrees to indemnify CVI for any increased copyright liability. See Implementation of the Cable Television Consumer Protection and Competition Act of 1992, 8 FCC Rcd 2965 (1993) (Revised FCC Rules § 76.55(e) and § 76.56(b)). The market redesignation requested by Group H will not change this circumstance. Subsequently, if the Copyright Office decides to adopt the Commission's changes to the top 100 market listing, Group H could be relieved of the need to indemnify CVI for carriage of WYED because the station would then be treated as "local" throughout the Raleigh-Durham-Goldsboro market. Under no circumstance, however, could CVI be required to carry WYED and pay the additional copyright fees.

Ultimately, as is often the case when a petitioner or commenter has no solid arguments, CVI raises the specter of the "proverbial floodgates" opening and inundating the Commission with unfounded rule making petitions. See CVI Petition at 11. Notwithstanding the potential volume of petitions requesting market hyphenation, as noted above, Section 4 of the 1992 Cable Act expressly requires the Commission to issue regulations revising Section 76.51 within 180 days as part of the

implementation of the must-carry provisions included in the act. See 1992 Cable Act Pub. L. No. 102-385 § 614(f) (to be codified at 47 U.S.C. § 534(f)). In fulfillment of that mandate, the Commission has announced that it prefers to consider market redesignation on a case-by-case basis rather than attempting wholesale changes or re-ranking on its own. See Implementation of the Cable Television Consumer Protection and Competition Act of 1992, 8 FCC Rcd 2965, 2978 (1993) ("Cable Act Implementation Order"). Accordingly, responding to several petitions, the Commission has already made several changes to the market listing. See, e.g., Request by TV 14, Inc. to Amend Section 76.51 to Include Rome, Georgia, in the Atlanta, Georgia Television Market, 8 FCC Rcd 2965, 2978 (1993) (redesignating the Columbus, Ohio market to include Chillicothe; the Hartford-New Haven-New Britain-Waterbury, Connecticut market to include New London; and the Atlanta, Georgia market to include Rome).

Since making these initial changes, the Commission has also proposed additional modifications affecting a number of other markets. Amendment of Section 76.51 (Pine Bluff, Arkansas), Notice of Proposed Rule Making, MM Docket No. 93-233, DA 93-992 (MMB, released Aug. 19, 1993); Amendment of Section 76.51 (Concord, California), Notice of Proposed Rule Making, MM Docket No. 93-232, DA 93-991 (MMB, released Aug. 19, 1993); Amendment of Section 76.51 (Riverside, California), Notice of Proposed Rule Making, MM Docket No. 93-207, DA 93-817 (MMB,

released July 15, 1993); Amendment of Section 76.51 (Clearwater, Florida), Notice of Proposed Rule Making, MM Docket No. 93-218, DA 93-931 (MMB, released July 29, 1993). Thus, Group H's request concerning Goldsboro is precisely the sort of limited rulemaking petition that the Commission openly sought in its Cable Act Implementation Order, where it eschewed "wholesale changes" or "reranking" but stated that it would consider modifications in addition to those then adopted on a case-by-case basis and under expedited procedures. Cable Act Implementation Order, 8 FCC Rcd at 2978. CVI should perhaps have addressed its overwhelming concern with a potential inundation of the Commission's resources to Congress, which initially required the Commission to make revisions to the list; although the steady, yet modest, flow of such requests filed thus far does not appear to pose an undue danger of over-taxing the Commission's staff.

V. CONCLUSION

Hyphenated market designations under Section 76.51 were intended to cover situations where stations licensed to different cities in fact serve and compete in the same market. The purpose of a hyphenated designation is to equalize competition between stations in the same economic market, and to assure that cable subscribers have access to all local stations in the market.

The present television marketplace in the Raleigh-Durham-Goldsboro area is precisely the situation intended to be covered by such a hyphenated market designation. The television

industry and other media recognize Goldsboro and WYED as part of the Raleigh-Durham market; WYED places a city grade signal over Raleigh, substantially all of Durham, and the vast majority of the Raleigh-Durham ADI; three of the stations licensed to Raleigh and Durham provide Grade A or better service to Goldsboro; and all stations in the market draw advertisers and viewers from all three of these cities. Goldsboro is plainly a part of the Raleigh-Durham television market.

WHEREFORE, Group H Broadcasting Corporation respectfully urges the Commission to add Goldsboro to the Raleigh-Durham market designation under Section 76.51 of the Rules.

Respectfully submitted,

GROUP H BROADCASTING CORPORATION

By: 

Meredith S. Senter, Jr.
David S. Keir

Leventhal, Senter & Lerman
2000 K Street, N.W.
Suite 600
Washington, D.C. 20006
(202) 429-8970

September 14, 1993

Its Attorneys

ATTACHMENT 1

TELEVISION

THE NEWS & OBSERVER
SUNDAY, AUGUST 15, 1993

C&D

PM	6:00	6:30	7:00	7:30	8:00	8:30	9:00	9:30	10:00	10:30	11:00	11:30
NBC (22)	Designing Women Anthony's college graduation. (CC) 50115	NBC News (CC) 41467	Quantum Leap As a young Elvis, Sam risks his career by helping another aspiring singer escape her abusive fiancé. (r) (CC) 44115		1 Witness Video Helicopter flies near tornado; jockey is dragged during steeplechase; shootout in the woods. (r) (CC) 53863		** Till Death Us Do Part '92 Treat Williams, Arliss Howard. Vincent Bugliosi targets a con man for insurance-fraud murders as a young prosecutor in: 1960s Los Angeles. (Edited for television.) (96 mins.) (CC) 56950			Designing Women Anthony confronts neighbor. (CC)	A Current Affair Extra 144478	
CBS (5)	News 7931	CBS News (CC) 8283	60 Minutes (CC) (r) 53221		Murder, She Wrote Jessica's researcher, a pathological liar, is accused of murder. (CC) (r) 39641		Poisoned by Love: The Kern County Murders '93 Harry Hamlin, Helen Shaver. A womanizer's third wife thinks he has killed his fourth wife, fifth wife and mother. (NR) (120 mins.) (CC) 49028			(5) News 78950 (2) News 6776	(5) CBS News 8166562 (5) Amen (2) Sports	
ABC (5)	News 2641	ABC News (CC) 6221	Life Goes On Bedfellows. Hospitalized Jesse learns from a terminally ill patient. (CC) (r) 80399		America's Funniest Home Videos (CC) (r) 9202	America's Funniest People Tongue twister. (CC) (r) 5009	*** Bull Durham '88 Kevin Costner, Susan Sarandon. Literary baseball groupie rates a pitcher and a catcher on a minor-league North Carolina team. Directed by Ron Shelton. (Edited for television.) (135 mins.) (CC) 1248318			(11) News 1903115 (8) News 30622573		
FOX (22)	Kung Fu: The Legend Continues The Lacquered Box. Kwai Chang clashes with Peter over the use of force. (r) (CC) 86496	Parker Lewis His dad wrecks Parker's new sports car. (r) (CC) 80844	Danger Theatre Ventriloquist and his homicidal dummy. (CC) 10573	In Living Color "Men on Fitness." (r) (CC) 99592	Roc A dying friend confesses to an affair. (r) (CC) 85399	Married ... With Children Family spends retirement funds. (r) (CC) 88047	Roc Roc's union strikes; he works at the hospital. (r) (CC) 36991	News (CC) 53912	Tribeca The Loft. Three recent college graduates rent a loft, then one disappears. With Dizzy Gillespie, Ed Koch, Deborah Harry. Directed by Joe Morton. (r) (CC) 626863	Arsenio Hall Riddick Bowe; Evander Holyfield; Hammer. (r) (CC) 455202		
PBS (4)	All Creatures Great & Small The Nelson Touch. Siegfried treats Mr. Hopps' digestive problem. 6818134	The New Explorers Dehorning rhinos. (CC) 4031009	Wild America Bats play role in nature. (CC) 7017508	Evening at Pops Marvin Hamlisch conducts and plays. 6195405		Masterpiece Theatre Eileen Atkins performs Virginia Woolf's lectures. (CC) 6178641		French Fields A bounced check's consequences. 1314370	Keeping Up Appearances 1330318	Are You Being Served? 3888592	EastEnders Sharon is attacked in the bar. 5824641	
WYED (5)	Wild Kingdom 83405	The Extremists (r) 74757	Bonanza The Horsebreaker. 68757		Ed Sullivan Sly & the Family Stone; Shirley Bassey. (CC) 77405		Paid Programming 57641		Jerry Falwell 67028		Word of God 25689	
WKFT (5)	Siskel & Ebert 277912	New WKRP in Cincinnati	Street Justice A Sense of Duty. (r) 178202		Columbo Etude in Black. The mistress of a conductor becomes a target for murder after threatening to tell all to her lover's wife. 165738			Breed From Heaven 177573		Paid Programming 934080		
WAUG (5)	AFTAB Network 6774318				PCTV 4817689	ComputerWorks 4896186	Global Library Project 6755263		Compact 6882757	International Program	Compact (German)	College Algebra (CC) 4833202

A M	6:00	6:30	7:00	7:30	8:00	8:30	9:00	9:30	10:00	10:30	11:00	11:30
(5)	Code Red	World	Kenneth Copeland	O'ceary	Sunday Morning (CC)	Nation	Charles Stenley					
(5)	Toonage	Monkeys	Future	World	Schulter	Spiritual	Sunday Morning (CC)	Nation	C.Gaddy	Paid Prg.		
(5)	Working	Wall St.	Ch'rch	Amazing	Goepel	B. Haden	Morning America	Robert Schuller (CC)	Winston	Brinkley		
(5)	American Gladiator	Rich & Famous	Morning America	Prime	ZooLife	**** The Terminator '84 (R) 69467						
(5)	Variety Club	Paid Programming		M'rhows	Prakee	Armat's	Lovell	Paid Prg.	First Presbyterian			
(5)	Hillbillys	Paid Prg.	Kenneth Copeland	Yo, Yogi	Coyote	G.I. Joe	Conan	Cabwalk	Renegade (r)			
(5)	Jimmy Swaggart	Kennedy	Hospital	Today (CC)	Meet the Press (CC)	Homes	Paid Prg.	Barton Baptist				
(5)	Off Air	Sings'n	Jerry Falwell	Church	Paid Prg.	Anker	Paid Programming					
(5)	Connect	Substance Abuse	Instruct	Word	D. Davis	Words	Conv.	Japan	Journal	PCTV		
(4)	Off the Air (12:30)	Shining	Sesame Street (CC)	Barney	House	W'shop	Gourmet	Travels	All Creatures			

PM	12:00	12:30	1:00	1:30	2:00	2:30	3:00	3:30	4:00	4:30	5:00	5:30
	Paid Prg. Great Starts	Golf PGA Championship, Final Round. From Toledo, Ohio. (Live) (CC) 181850										
	Little House/Prairie Bees?	Golf PGA Championship, Final Round. From Toledo, Ohio. (Live) (CC) 258950										
	Brinkley TBA	Toyota St. Games	Paid Prg. TBA	Track/Field 29850		Basketball National Summer. (Live) 3863						
	Week With Brinkley	• Howling II '85 Christopher Lee. 62888			Track/Field 38880		Basketball National Summer. (Live) 8888					
	Choices Paid Prg.	Baseball	Baseball Baltimore Orioles at New York Yankees. (Live) 480812			Paid Prg.		Earthbeat				
	Star Trek: Next	Star Trek: Space 9	The Unbeatable		• Runaway Father '91 464850					Time Trek (r) (CC)		
	Paid Prg. Bob Vite	• Miracles '84 Tom Conli. (PG) 73478			Paid Prg. Night Cl.		NFL Post Pro Volleyball (Live) 448711					
	WCW Wrestling	• Tut and Tuttle '80 224115			Gilligan	Harry	Beauty and Beast		Baywatch			
	MacTV	Library Project	Archl.	Sourcen.	Icarus	Open House		Tradition	Econom.	Teacher		
4	Firing	Group	This Wk. T. Brown	Cooking	Qu't	Collector	Homes.	Floyd	Cookin'	Vacation	People	

ATTACHMENT 2

NEWS AND BUSINESS

[REDACTED]

	On the Air	Producers & Staffs	Region	Summary	Executive Street (CC)	Writing	Reading	Books ...	Stand	Library	Reading	Albums [Art of ...	W/rd	Featured	Games	Squares 1	Executive Street (R)
1	News	Nile Winkler; Garth Brooks, (CC)			Henry Perkin (CC)	How Family Feud	The Prince to Night		News	Support	The Bold	Golden	Golden Light (CC)		Young & Rubicam		News
2	Good Morning	Good Morning America (CC)			Deborah (R) (CC)	Early Jerry Maguire	James Job Harris		News	Living	All My Children	Just Life to Live	General Hospital		Spunk Wilkey (CC)		News
3	Cab Center	Barbara	Adrian	Robert Thon	UPB	Myths My Dear Secretary ('48) ++	Scaville (R)		Paid Programming	James Jones	Martha Graham ('42) + + + Leslie Howard	Beethoven	Robbie	Jeannie	WWF Wrestling		Couple
4	Survivor	David Z.	Scott	Tate Spin	Brooklyn	Veidt (R)			James Wilkey (R)		James Jones	Beethoven	Teen/for	Disfranch	Goof	Team	Waves
5	News	GNN	Tuesday Political Analysis (CC)		Regis & Kathie Lee	John & Laura			James	James	Steps of Our Lives	James Wood (CC)	Design	Wander	In the Heat of Night		Batman
6	OW All	Midnight	T-Rex	Subter	Paid Programming	James			Stevens	Judge	Martha Hall Mear (PG, '74) + Rod Taylor	James Wood (CC)	Capt. N	Cash/	Turkies	DuckTale	Survivor

<p>WUNC</p>	<p>Weekend/Summer Newscasts: Newscasters detail the day's top stories. (CC)</p>	<p>Highly Business Report</p>	<p>Search: Vascular surgery; eye surgery for dogs.</p>	<p>News: Hill Fighters of Kuwait. Finnen battle Kuwait's blazing oil wells. (CC)</p>	<p>Apes on the Poles II: Time Has Come 1984-86/Two Societies 1985-88. Malcolm X preaches nationalism. (Part 1 of 4) (CC)</p>	<p>Are You Being Served?: Grace rearranges.</p>	<p>Studio Boss: Denny Glover. (R)</p>
<p>WRAL</p>	<p>News</p>	<p>Entertainment Tonight: Juliette Lewis. (CC)</p>	<p>Inside Edition: Manhattan grifters. (CC)</p>	<p>News: 911: Trailer with racehorses overturns; man has violent confrontation with ex-girlfriend. (R) (CC)</p>	<p>Wanted: A Suburban in Trouble County ('91) ** Scorned by her murder-accused lawyer (Peter Onorati), a woman (Lacey Ann Warren) plots to kill his wife (Jean Smart) and frame him for it. (CC)</p>	<p>News</p>	<p>Late Show With David Letterman: (11:35)</p>
<p>WTVD</p>	<p>ABC News (CC)</p>	<p>Jeopardy!</p>	<p>Wheel of Fortune</p>	<p>Full House: Museum visit wrecks dinosaur. (CC)</p>	<p>Newsweek: Connors' face financial ruin. (R) (CC)</p>	<p>News</p>	<p>Nightline (11:35) (CC)</p>
<p>WYED</p>	<p>The Three Stooges</p>	<p>The Millennium: The Blowout</p>	<p>The Hill Video Country</p>	<p>Combat: Odyssey.</p>	<p>Newsweek: The Wrecking of Khalil Jones. Guest: Vaughn Monroe.</p>	<p>News</p>	<p>Blackish: Badtime Choices at California Angels.</p>
<p>WLFL</p>	<p>The Cosby Show: A Different World: Whitley throws a party.</p>	<p>Star Trek: The Next Generation: The Loss: A force drags the ship. Troi loses her powers. (CC)</p>	<p>Star Trek: The Next Generation: The Loss: A force drags the ship. Troi loses her powers. (CC)</p>	<p>Rec: Cahn's 11-year-old daughter may move in.</p>	<p>Rec: Roc. Joy moves in. (R) (CC)</p>	<p>News (CC)</p>	<p>Are You Being Served?: David Bowie; Al B. Sure; comedian Brian Regan; Dave Koz. (R) (CC)</p>
<p>WVNC</p>	<p>Cheers: Woody's cousin likes Rebecca. (CC)</p>	<p>Head Copy: Untidy dog. (CC)</p>	<p>A Current Affair: Sex scandal in church. (CC)</p>	<p>News: Served by the Bell, Mountain Style ('92) ** Teens from the TV series visit a grandfather's (Dean Cain) Hawaiian resort, under siege by a greedy developer. (CC)</p>	<p>Newsweek: NBC: Andre Agassi. (CC)</p>	<p>Cops: Tampa: burglar suspect arrested. (CC)</p>	<p>The Tonight Show: (11:35) Harry Connick Jr. Field Programming</p>
<p>WVBT</p>	<p>Joe Rivers: Entrepreneurs. (R)</p>	<p>Murphy Brown: Roasted. (CC)</p>	<p>WVBT in Charlotte</p>	<p>News: A Tale of Two Cities (Colony) ('93) Dickens' London-lawyer hero (Ronald Crampton) goes to gladiators for love.</p>	<p>Blackish: The Marriage Counselor. (CC)</p>	<p>Studio</p>	<p>Field Programming</p>

ATTACHMENT 3



RALEIGH • DURHAM • GOLDSBORO • FAYETTEVILLE

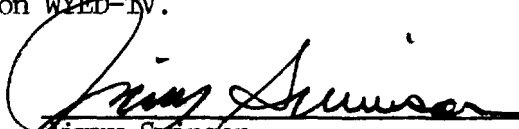
I, Jimmy Swinson, hereby declare, under penalty of perjury,
as follows:

1. I Was hired last November as an Independent Salesperson for WYED-TV. My job description is as follows: Solicit and maintain advertising client accounts for WYED-TV. My primary area of marketing/sales responsibility is Goldsboro, North Carolina. Although, I am not restricted from other areas as some retailers in Goldsboro have multiple store locations and may make certain marketing/advertising decisions in other cities or counties.
2. I work primarily out of my home located in Goldsboro, North Carolina and spend at least one to two half days at the station in order to submit paperwork, catch up on program changes or other pertinent information which the station may be concentrating on or plans for obtaining new sales strategies or special sales/marketing efforts. I have also worked out of the corporate office located in Goldsboro.
3. As a former Goldsboro radio/cable television personality, life long resident, former Goldsboro radio station owner, and former Goldsboro Minority Newspaper owner, I have been able to solicit a number of Goldsboro accounts successfully for WYED-TV.
4. In addition to my sales/marketing duties, I host a weekly Music Video program on the station. On this program we feature all area High School news and public service events for all communities in the WYED-TV viewing area.
5. I have hosted nights at clubs throughout the area as a station representative. These nights are non alcohol student nights. In addition, I speak to many groups lecturing on positive aspects in our community and encourage dialogue to solve community problems.
6. On September 18, 1993 I have organized a Sickle Cell Anemia Telethon that will originate from Goldsboro and air from 5pm to 7pm on WYED-TV.

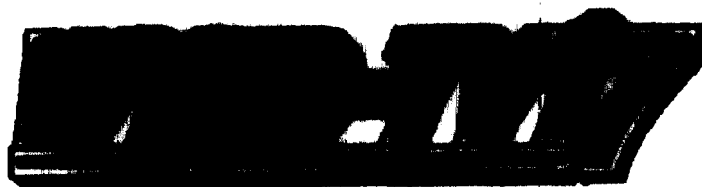
Dated: 8/26/93


Teresa M. Beddingfield, NOTARY

My Commission Expires 08/26/1996


Jimmy Swinson
Independent Account Executive/
Station On Air Talent

ATTACHMENT 5



RALEIGH • DURHAM • GOLDSBORO • FAYETTEVILLE

I, Dea Martin, hereby declare, under penalty of perjury, that the following facts are within my personal knowledge, and are true and correct:

1. I host the morning talk show on WYED-TV, Channel 17. The program airs weekdays at 9:30 am and is broadcast live from the WYED-TV studios. The program also occasionally airs as a special during prime time and has been on the air since October 1992.
2. The program's format includes a session where viewers are encouraged to call in to comment on the topic of discussion. On Wednesdays, viewers may call and express their opinions on any topic.
3. The program receives calls from the entire viewing area of Station WYED, including Raleigh, Durham, Chapel Hill, Fayetteville, Goldsboro, Oxford, North Carolina and South Hill, Virginia. Approximately 75% of the calls are from the Raleigh area.
4. I conduct an issue ascertainment luncheon each Wednesday to assist in selection of program topics. The luncheons are held at either the Holiday Inn in downtown Raleigh or the Mission Valley Inn, across the street from the WRAL-TV studios, also in downtown Raleigh. Viewers from throughout the market attend to discuss community, state, and national issues. Although attendees are from all areas of WYED's viewing area, including Raleigh, Durham, Chapel Hill, Goldsboro, Fayetteville, Rocky Mount, and Smithfield, approximately 80% of the attendees are from the Raleigh-Durham area.
5. To the best of my knowledge, WYED-TV's morning show is the only live, locally-produced talk show in the market which invites viewer telephone response and hosts a weekly lunch for a discussion forum.


Dea Martin
WYED-TV Morning Talk Show Host

Dated: September 13, 1993

ATTACHMENT 6



RALEIGH • DURHAM • GOLDSBORO • FAYETTEVILLE

PUBLIC SERVICE ANNOUNCEMENTS PRODUCED BY WYED-TV 17

North Carolina DUI Law
Kids and the Environment (Global Raleigh Project)
Triangle Charity Golf Tournament (Arthritis Foundation)
Rapid Transit System (North Carolina State Raleigh)
North Carolina Wildlife Resources
Wake County Litter Control
North Carolina Food Bank (Raleigh)
Raleigh Young At Heart Golden Age Club
Raleigh Methodist Home For Children
Carrboro Arts Center
Southern Women's Show Floral Festival Raleigh
Service Corps of Retired Executives Raleigh
Department of Transportation (Raleigh)
Raleigh's Youth Summer Basketball League
Multiple Sclerosis Society-Raleigh Chapter
Wake County Department of Social Services
Carrboro Arts Center "The Monster Show"
State Farmers Market "Crawfish Boil"
US Coast Guard-Raleigh
Easter Seals-Raleigh Chapter "Volleyball"
Raleigh Parks and Recreation
Carrboro Arts Center Jazz Jam
Dorothea Dix Hospital
Raleigh Central YMCA
Planned Parenthood Raleigh
Johnston Community College
North Carolina Museum of Life and Science
Raleigh Cub Scouts
Raleigh Christian Community
North Carolina Central University-Durham
Carrboro Civic Club
Campbell University
Men's Center of Raleigh
The Society of the Preservation of Historic Oakwood (Raleigh)
Peden Gallery 11 of Raleigh
Kids Cabaret-Carrboro Arts Center
Cary YMCA
North Carolina State University
Capital City Kiwanis Club
Parent to Parent Wake County
Hayes Baptist Church Raleigh
Capital Area YMCA
North Carolina Dairy Goat Breeder's Association-Raleigh



RALEIGH • DURHAM • GOLDSBORO • FAYETTEVILLE

American Red Cross- Raleigh
Duke Children's Medical and Surgical Center
North Carolina Museum of Life and Science-Durham ("Fossil")
North Carolina Museum of Life and Science-Durham("Halloween")
Home Therapists Association
Trinity Baptist Church Raleigh
Durham Stagville Preservation Society
Barbershop Quartet Singing-Raleigh
Triangle Amputee Support Group-Duke Medical Center
Tar Heel Gem and Mineral-Raleigh



RALEIGH • DURHAM • GOLDSBORO • FAYETTEVILLE

PUBLIC SERVICE ANNOUNCEMENTS PROGRAMMING REGULARLY PRODUCED
AND AIRED ON WYED TELEVISION

- Job Service - Weekly listing of employment opportunities from the North Carolina Security Commission
- AG TIPS - :90 second program containing information on buying, storing and preparing food. Produced by WYED-TV with Babs Wilkinson of the North Carolina Department of Agriculture.
- Community Marquee - A calendar of non-profit community events. Two spots :30 and :60 second produced each week.
- Speakout - 2 minute editorial on issues of local, state, and/or national interest by authorities on the particular issue (s)
- ENG Packages - ENG style PSA's produced by WYED-TV which focus on local topics and issues, one -two minutes in duration.
- Religion - Religious programming produced by local and national ministries and other religious organizations.

DOCUMENT OFF-LINE

This page has been substituted for one of the following:

o An oversize page or document (such as a map) which was too large to be scanned into the RIPS system.

~~o~~ Microfilm, microform, certain photographs or videotape.

o Other materials which, for one reason or another, could not be scanned into the RIPS system.

The actual document, page(s) or materials may be reviewed by contacting an Information Technician. Please note the applicable docket or rulemaking number, document type and any other relevant information about the document in order to ensure speedy retrieval by the Information Technician.

93-212